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ATTACHMENT 2 - EEOC Complaint Form

SEP 11 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

United States District Court
for the Western District of Texas
Austin Division

FILED

SEP 20 2007

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature] DEPUTY CLERK

BY Cedric M. Scott

(Name of plaintiff or plaintiffs)

A07CA 766LY

Civil Action Number:

v. Housing Authority of the City of Austin/
Southwest Housing Compliance Corporation (Case Number to be supplied
by the Intake Clerk)

Jim Hargrove, President/CEO

Michael Cummings, Vice President of Asset Management

(Name of defendant or defendants)

COMPLAINT

1. This action is brought by Cedric M. Scott, Plaintiff, pursuant to the following selected jurisdiction:

(Please select the applicable jurisdiction)

- ☒ Title VII of the Civil Rights Act of 1964 (42 USC §§ 2000e et seq.) Employment Discrimination on the basis of race, color, sex (gender, pregnancy and sexual harassment), religion or national origin.
- ☒ The Age Discrimination in Employment Act (29 USC §§ 621 et seq.) (ADEA).
- ☐ The Americans With Disabilities Act (42 USC §§ 12102 et seq.) (ADA).
- ☒ The Equal Pay Act (29 USC § 206(d)) (EPA).
- ☐ The Rehabilitation Act of 1973 (29 USC § 791 et seq.) (Applicable to federal employees only).

2. Defendant HACA/SHCC (Defendant's name) lives at, or its business is located at 1124 South IH 35 (street address), Austin (city), Texas (state), 78704 (zip).
- 3a. Plaintiff sought employment from the defendant or was employed by the defendant at 1124 South IH 35 (street address), Austin (city), Texas (state), 78704 (zip).
- 3b. At all relevant times of claim of discrimination, Defendant employed 15-300 (#) employees. If defendant is a union, at all relevant times of claim of discrimination, Defendant had N/A (#) members.
4. Defendant discriminated against plaintiff in the manner indicated in paragraph 8 of this complaint on or about July (month) 7 (day) 2005 (year). If incidents of discrimination occurred more than one day, please indicate the beginning and ending dates of such acts: July 7, 2005 to 12-19-2005.
5. Plaintiff filed charges against the defendant with the Equal Employment Opportunity Commission (E.E.O.C.) charging defendant with the acts of discrimination indicated in paragraph 7 of this complaint on or about January (month) 7 (day) 2006 (year). (Not applicable to federal civil service employees).
- 6a. The E.E.O.C. issued a Notice of Right to Sue which was received by plaintiff on June (month) 29 (day) 2007 (year). (Not applicable to ADEA and EPA claims or federal civil service employees).

VERY IMPORTANT NOTE:

PLEASE ATTACH A COPY OF YOUR NOTICE OF RIGHT TO SUE AND THE ENVELOPE IN WHICH IT WAS RECEIVED TO THIS COMPLAINT.

- 6b. Please indicate below if the E.E.O.C issued a Determination in your case:

☐ Yes
☒ No

VERY IMPORTANT NOTE:

IF YOU CHECKED "YES", PLEASE ATTACH A COPY OF THE E.E.O.C.'S DETERMINATION TO THIS COMPLAINT.

7. Because of plaintiff's:

(Please select the applicable allegation(s))

- ☒ Race (If applicable, state race) Black
- ☐ Color (If applicable, state color) _____
- ☒ Sex (gender, pregnancy or sexual harassment) (If applicable, state sex and claim) Female
- ☐ Religion (If applicable, state religion) _____
- ☐ National Origin (If applicable, state national origin) _____
- ☒ Age (If applicable, state date of birth) 3-17-1965
- ☐ Disability (If applicable, state disability) _____
- ☒ Prior complaint of discrimination or opposition to acts of discrimination. (Retaliation) (If applicable, explain events of retaliation) Defendant punished Plaintiff by awarding only a 2% percent merit raise in 2005, and created a hostile working conditions. see attachment labeled "H."
- The defendant: (please select all that apply)
- ☐ failed to employ plaintiff.
- ☐ terminated plaintiff's employment.
- ☒ failed to promote plaintiff.
- ☐ harassed plaintiff.
- ☒ other (specify) Defendent falsified documentation to make it appear that Plaintiff was not doing the required duties, and exhibiting unprofessional conduct at work. However, no documentation was in Plaintiff's personnel file.

- 8a. State specifically the circumstances under which defendant, its agent, or employees discriminated against plaintiff PERSONALLY:

VERY IMPORTANT NOTE:

INCLUDE SPECIFIC DATES, SPECIFIC EVENTS, AND ANY SPECIFIC COMMENTS MADE BY DEFENDANT PERTAINING TO THE DISCRIMINATION CLAIM ALLEGED ABOVE.

On 7-7-2005, the defendant promoted a younger white male who had less experience than the plaintiff. In October 2005, I applied for another Asset Manager position. Defendant again promoted a younger white male to this position, and did not offer any explanation on why I was again overlooked for a promotion. (Please see attached notes labeled A-F)

- 8b. List any witnesses who would testify for plaintiff to support plaintiff's allegations and the substance of their testimony:

Gloria Morgan, Human Resources Director -
(Ms Morgan previously stated to Plaintiff that there were no complaints, disciplinary actions in personnel file.)

- 8c. List any documentation that would support plaintiff's allegations and explain what the documents will prove:

Personnel File, Work and Personal experience relating to Section 8. The information will prove that even though Plaintiff had the experience to perform the duties of Asset Manager Defendant still discriminated against the plaintiff.

9. The above acts or omissions set forth in paragraphs 7 and 8 are:

☒ still being committed by defendant.
☐ no longer being committed by defendant.

10. Plaintiff should attach to this complaint a copy of the charge filed with the Equal Employment Opportunity Commission. This charge is submitted as a brief statement of the facts supporting this complaint.

WHEREFORE, plaintiff prays that the Court grant the following relief to the plaintiff:

☐ Defendant be directed to employ plaintiff.

☐ Defendant be directed to re-employ plaintiff.

☐ Defendant be directed to promote plaintiff.

☒ Defendant be directed to ^{participate in mediation and to} ~~cease all forms of discrimination~~ and retaliation as listed in this complaint, and to compensate the plaintiff for the following: lost wages, pain & suffering and emotional distress from the discrimination and retaliation for filing the internal grievance and E.E.O. C discrimination. If mediation is not successful, plaintiff is requesting a trial by jury, and that the Court grant such other relief as may be appropriate, including injunctive orders, damages, costs and attorney's fees.

I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct.

9-10-2007

Date

Rechie M. Siff

Signature of Plaintiff

2710 Crimson Sky Ct

Address of Plaintiff

Round Rock, TX 78664

City

State

Zip Code

512-248-2610(h); 512-767-4932 (cell)

Telephone Number(s)